

HHN

APRIL 16, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Daniel Rosas

(Name of the plaintiff or plaintiffs)

08cv1678
JUDGE LEFKOW
MAG. JUDGE COX

Wilmette Park District
Mike Matchen

(Name of the defendant or defendants)

NO. _____

FILED

J.N. MAR 21 2008
3-21-2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Daniel Rosas of the
county of Cook in the state of Illinois.
3. The defendant is Wilmette Park District / Mike Matchen, whose
street address is 1200 Wilmette Avenue,
(city) Wilmette (county) Lake (state) Illinois (ZIP) 60091
(Defendant's telephone number) (847) - 256-9783
4. The plaintiff sought employment or was employed by the defendant at (street address)
3900 Fairway Drive (city) Wilmette
(county) Lake (state) Illinois (ZIP code) 60091
5. The plaintiff [check one box]
 - (a) ☐ was denied employment by the defendant.
 - (b) ☐ was hired and is still employed by the defendant.
 - (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) December, (day) 15, (year) 1998.

7.1 (Choose paragraph 7.1 or 7.2, do not complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box] ☐ has ~~not~~ ☒ has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) October (day) 22 (year) 2007.

(ii) ☒ the Illinois Department of Human Rights, on or about (month) April (day) 4th (year) 2007.

(b) If charges were filed with an agency indicated above, a copy of the charge is

attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) December (day) 20 (year) 2007.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☒ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☒ YES ☐ NO, but a copy will be filed within 14 days.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.

#07W0403.06

AGENCY☒ IDHR☐ EEOC**CHARGE NUMBER**

2007CA2584

Illinois Department of Human Rights and EEOC

NAME (indicate Mr. Ms. Mrs.)

Daniel Rosas

HOME TELEPHONE (include area code)

(773) 583-4578

STREET ADDRESS

4720 N. Lawndale, Bsmt.

CITY, STATE AND ZIP CODE

Chicago, IL 60625

DATE OF BIRTH

07 /19/41

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME

Wilmette Park District

NUMBER OF EMPLOYEES,
MEMBERS 15+

TELEPHONE (include area code)

(847) 256-9640

STREET ADDRESS

1200 Wilmette Avenue

CITY, STATE AND ZIP CODE

Wilmette, IL 60091

COUNTY

Lake

CAUSE OF DISCRIMINATION BASED ON:

AGE

CITIZENSHIP STATUS

RETALIATION

DATE OF DISCRIMINATION

EARLIEST (ADEA/EPA) LATEST (ALL)

11/13/06

THE PARTICULARS ARE (if additional space is needed attach extra sheets)

☐ CONTINUING ACTION

I. A. ISSUE/BASIS

FAILURE TO RE-HIRE-MARCH 22, 2007, DUE TO MY AGE, 65

B. PRIMA FACIE ALLEGATIONS

1. I am 65 years old.

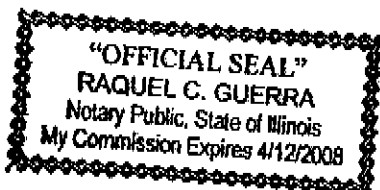
2. My work performance as seasonal porter met Respondent's expectations. I was hired in April 1991.

3. On November 13, 2006, I was informed that I would not rehired to my seasonal position as porter on March 11, 20047, by Jeffery A. Bowen (50), Human Resources Risk Manager. The reason cited for the failure to rehire was because there was no more work for me.

(Continued)

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

SUBSCRIBED AND SWORN TO BEFORE

ME THIS 4th DAY OF April, 2007
NOTARY SIGNATURE

NOTARY SEAL

x DANIEL ROSAS 04-04-07
SIGNATURE OF COMPLAINANT DATE

I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

EEOC Form 161-B (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Daniel Rosas
4720 N. Lawndale, Bsmr
Chicago, IL 60625

From: Chicago District Office
500 West Madison St
Suite 2800
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0014 4054 4796



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2008-00465

Jacquelyn C. Gandy,
Investigator Support Asst

(312) 886-5976

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

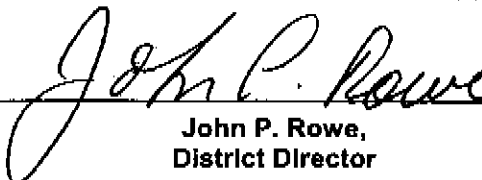


The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


John P. Rowe,
District Director

12/20/2007
(Date Mailed)

Enclosures(s)

cc: WILMETTE PARK DISTRICT

CHARGE OF DISCRIMINATION		AGENCY <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy act statement before completing this form.			
<u>Illinois Department of Human Rights</u> <i>State or local Agency, if any</i>		and EEOC	
NAME (Indicate Mr., Ms., Mrs.) Mr. Daniel Rosas		HOME TELEPHONE (Include Area Code) 773/583/4518	
STREET ADDRESS 4720 N. Lawndale Street, Basement, Chicago, IL 60625		DATE OF BIRTH 7/19/1941	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below)			
NAME Wilmette Park District		NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE (Include Area Code) 847/256/9640
STREET ADDRESS 1200 Wilmette Avenue		CITY, STATE AND ZIP CODE Wilmette, IL 60091	
NAME (blank)		COUNTY Lake	
STREET ADDRESS (blank)		TELEPHONE (Include Area Code) (blank)	
CITY, STATE AND ZIP CODE (blank)		COUNTY (blank)	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER		DATE DISCRIMINATION TOOK PLACE EARLIEST (A/E/FEPA) LATEST (ALL) 11/2006 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))			
<p>I. I began my employment with Respondent in 1991 as a Groundskeeper. OCT 22 2007</p> <p>II. I have been discriminated against on the basis of my age, sixty-six (66), by Respondent in the terms and conditions of my employment despite my fifteen (15) years of dedicated service.</p> <p>III. I have been subjected to harassment by my co-workers and peers, and have reported such treatment to management and human resources to no avail.</p> <p>IV. On November 13, 2006, as a result of my complaints of my co-worker's harassment because of my age, Respondent terminated my employment for the purported reason of not getting along with my co-workers. Respondent did not discipline or terminate the employment of my substantially younger co-workers of whom I had complained of harassment.</p> <p>V. For the foregoing reasons, I believe I have been discriminated against on the basis of my age, 66, and subjected to retaliation for reporting and opposing Respondent's discriminatory practices in violation of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621 et seq.</p>			
<input checked="" type="checkbox"/> I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone Number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (when necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief	
Notary Public Seal		SIGNATURE OF COMPLAINANT DATE <div style="text-align: center;"> </div>	
EEOC FORM 5 (5/98)		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*

(a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) December (day) 20 (year) 2007 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

- (a) ☒ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.

- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): _____
- _____
- _____
- _____
- _____

13. The facts supporting the plaintiff's claim of discrimination are as follows:

When a coworker would have come to talk about consulting something to me, he always recriminated me. When the other employee was the one coming to my place of work to distract me, and besides that when the other employees were talking, the supervisors will not recriminating them. The company ^{Always} would buy boots for everybody but me from 2004 to 2006 (see enclosures)

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.
15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO
16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

(f) ☒ Direct the defendant to (specify): Compensated the
Plaintiff ^{for the} Emotional and Physical damages
caused by the Verbal mistreating by the supervisors
and coworkers

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☐ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

X DANIEL ROSAS

(Plaintiff's name)

Daniel Rosas

(Plaintiff's street address)

4720 N. Lawndale st.

(City) Chicago (State) Illinois (ZIP) 60625

(Plaintiff's telephone number) (773) - 583-4108

Date: 03/21/08

OFFICIAL BUSINESS

Michael A. Johnson Esq.
MICHAEL A. JOHNSON & ASSOCIATES
415 North LaSalle Street
Suite 203
Chicago, IL 60610

SECRET

[illegible]

CERTIFIED MAIL



02 1A DEC 20 200
000461 1411
MAILED FROM ZIP CODE 6066

STATE OF ILLINOIS
DEPARTMENT OF HUMAN RIGHTS

IN THE MATTER OF:

Daniel Rosas

COMPLAINANT,

AND

Wilmette Park District

RESPONDENT.

CHARGE NO. 2007CA2584
EEOC NO. 21BA1292

REQUEST FOR REVIEW

Daniel Rosas
4720 N. Lawndale, Basement
Chicago, IL 60625

Janice M. Rauen, Attorney
LMDBLT, Ltd.
515 North State Street, Suite 2800
Chicago, IL 60610

TO: Daniel Rosas

DATE: January 4, 2008

REQUEST FOR REVIEW FILING DEADLINE: February 8, 2008

I hereby request that the Department of Human Rights' dismissal of the charge be reviewed by the Chief Legal Counsel of the Department.

IN THE SPACE PROVIDED BELOW, YOU MUST LIST AND DESCRIBE THE SPECIFIC REASONS THAT THE CHARGE SHOULD NOT HAVE BEEN DISMISSED. If applicable, you may write on the back of this form or attach information or documents, which support your Request for Review. You may review your investigation file, to help you prepare your request, by calling (312) 814-6262 or (217) 785-5100. The decision of the Chief Legal Counsel will be published on the Department's website.

SIGNATURE

DATE

YOU MUST ENCLOSE THE ORIGINAL AND THREE COPIES OF YOUR ENTIRE REQUEST AND SIGN, DATE AND HAVE THIS FORM POSTMARKED OR HAND DELIVERED BY THE FILING DEADLINE DATE ABOVE, TO:

Chief Legal Counsel, Illinois Department of Human Rights, 100 West Randolph Street, Suite 10-100, Chicago, IL 60601.

THIS FORM MAY NOT BE SENT VIA TELEFAX.

FTPFTA/CPFORMS

10/07

DANIEL ROSAS
4720 N. LAWNDALE #BST
CHICAGO IL 60625
773- 583-4518

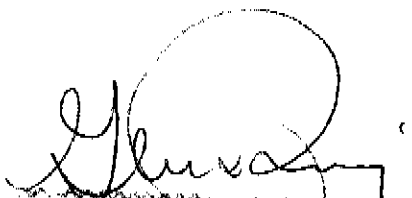
CHIEF LEGAL COUNSEL
ILLINOIS DEPARTMENT OF HUMAN RIGHTS

TO WHOM IT MAY CONERN,

I DANIEL ROSAS HAD MY CONFERENCE SCHEDULE ON OCTOBER 09 2007
AND I DID NOT SHOW UP BECAUSE THE STAFF THAT I NEED TO BE THERE
WAS NOT GOING TO SHOW UP ARE THE FOLLOWING (JUAN ARMENTA- JESUS
GARCIA- SAMUEL GALLEGOS) DUE TO THIS REASON I DID NOT SHOW UP,
BUT I WOULD LIKE FOR YOU TO PLEASE REOPEN MY CASE AGAIN AND I
WILL HAVE AN ATTORNEY WITH ME. IF YOU ARE ABLE TO REOPEN MY CASE
I WOULD ALSO LIKE FOR MR. JUAN ARMENTA -JESUS GARCIA- SAMUEL
GALLEGOS TO BE THERE AT OUR NEW CONFERENCE DATE.

SINCERELY,

DANIEL ROSAS



GLORIA PEREZ
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 02/2008

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

FILE NO (S) 2007CA2584

AFFIDAVIT OF SERVICE

Ann E. Mosley, being first duly sworn, on oath states that she served a copy of the attached NOTICE OF DISMISSAL on each person named below by depositing same this 4th day of January, 2008 in the Randolph Street, Chicago, Illinois 60601, properly posted for FIRST CLASS U.S. MAIL, addresses as follows:

Mr. Daniel Rosas
4720 N Lawndale, Basement
Chicago, IL 60625

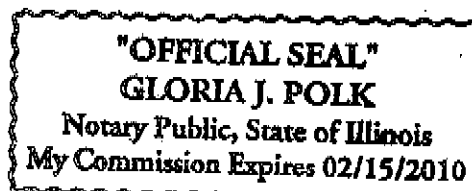
Ms. Janice M. Rauen
Attorney at Law
LMDBLT, Ltd
515 North State Street
Suite 2800
Chicago, IL 60610


Ann E. Mosley

SUBSCRIBED and SWORN to before
me this 4th day of January, 2008..


NOTARY PUBLIC

PLEASE NOTE:



The above signed persons are responsible only for mailing these documents. If you wish a review of the findings in this case you must complete the Request for Review form attached. Department staff are not permitted to discuss the investigation findings once a Notice of Dismissal has been issued.

STATE OF ILLINOIS
DEPARTMENT OF HUMAN RIGHTS

IN THE MATTER OF:

Daniel Rosas

COMPLAINANT,

AND

Wilmette Park District

RESPONDENT.

CHARGE NO. 2007CA2584
EEOC NO. 21BA71292

NOTICE OF DISMISSAL
FOR FAILURE TO PROCEED

Daniel Rosas
4720 N. Lawndale, Basement
Chicago, IL 60625

Janice M. Rauen, Attorney
LMDBLT, Ltd.
515 North State Street, Suite 2800
Chicago, IL 60610

TO: Daniel Rosas

DATE: January 4, 2008

REQUEST FOR REVIEW FILING DEADLINE: February 8, 2008

YOU ARE HEREBY NOTIFIED that Complainant has failed to comply with the Rules and Regulations of the Department of Human Rights ("Department"), 56 Ill. Admin. Code Sec. 2520.560, in the following manner:

Verified Response

Due: June 17, 2007

Received: June 12, 2007

Timely: ☒ Timely ☐ Untimely

If untimely, good cause shown: Yes ☐ No ☐

1. The Department's Good Cause Determination Worksheet and supporting documents (Group Exhibit A) indicate that the Verified Response was timely received.
2. On April 4, 2007, Complainant filed the instant charge.
3. On July 26, 2007, Complainant agreed to attend the fact finding conference scheduled for August 29, 2007 at 1:00 pm. On August 27, 2007, Complainant called and stated he had retained an attorney but the attorney was going to be out of town on the date of the fact finding conference and requested to reschedule. On September 12, 2007, Complainant and his attorney agreed to attend the fact finding conference re-scheduled for October 9, 2007 at 1 pm.

STATE OF ILLINOIS
ILLINOIS DEPARTMENT OF HUMAN RIGHTS

DEPT. OF HUMAN RIGHTS
SWITCHBOARD

JUN 12 2007

DANIEL ROSAS,

COMPLAINANT.

 \mathbf{y}_i

Case No.: 2007 CA 2584

WILMETTE PARK DISTRICT.

RESPONDENT.

**RESPONDENT'S VERIFIED RESPONSE TO
COMPLAINANT'S CHARGE OF DISCRIMINATION**

Wilmette Park District ("Respondent"), by and through its attorneys, Laner, Muchin, Dombrow, Becker, Levin and Tominberg, Ltd., states the following in response to Complainant's Charge of Discrimination:

I. A. ISSUE/BASIS

FAILURE TO RE-HIRE - MARCH 22, 2007, DUE TO MY AGE, 65.

RESPONSE:

Respondent denies the allegations contained in Paragraph I.A.

B. PRIMA FACIE ALLEGATIONS

1. I am 65 years old.

RESPONSE:

Respondent admits the allegations contained in Paragraph I.B.(1).

2. My work performance as seasonal porter met Respondent's expectations.
I was hired in April 1991.

RESPONSE:

Respondent denies the allegations contained in Paragraph I.B.(2). Responding further, Respondent states that Complainant was first hired in March 1991 in a seasonal golf course